

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

MILDRED ANNE DUDLEY,

Plaintiff,

v.

MORGAN KEEGAN & COMPANY,
INC.

Defendant.

CIVIL NO. 1:11-cv-02700-RLV

DECLARATION OF JOHN THOMAS STEMBRIDGE

I am over the age of twenty-one (21) years and competent to testify in the matters contained herein. This Declaration is based upon my personal knowledge:

1.

In May 2012, I joined Gary Blaylock Andrews, Jr. to form the firm Andrews & Stembridge, LLC, and at approximately that same time, I began representing the Plaintiff in this action brought under the Fair Labor Standards Act ("FLSA").

2.

Based on my experience and training, I possess the requisite skills to adequately represent my client and to offer my professional opinion concerning the

reasonableness of the hourly rates sought to be recovered and the reasonableness of the number of hours expended in this case.

3.

I graduated from the University of Georgia in 1993, and I graduated from the University of Georgia School of Law in 2003.

4.

I have been a member of the Georgia State Bar since 2003, and I am a member in good standing.

5.

From approximately 1994 to 2000, I was employed by Bank of America.

6.

From approximately 2003 through 2005, I was an associate with the firm of Ford & Harrison, LLP, which is a national firm that focuses on labor and employment law.

7.

From approximately 2005 through 2010, I was an associate with the firm of Littler Mendelson, P.C., and from approximately 2010 through May 2012, I was a shareholder with the firm of Littler Mendelson, P.C. Littler Mendelson is a firm with more than 900 attorneys in 55 locations that specializes in labor and

employment law. While with Littler Mendelson, the vast majority of my practice was dedicated to defending single plaintiff and multi-plaintiff FLSA lawsuits and class and collective actions brought under the FLSA and/or related state laws.

8.

For example, I represented the Defendant or Defendants in the single plaintiff and multi-plaintiff cases, *Boston v. MasTec Services Company, Inc.*, 8:07-cv-01312-RAL-MAP (M.D. Fla. July 27, 2007); *Byars v. Pawnmart, Inc. et al.*, 1:07-cv-03174-JEC (N.D. Ga. Dec. 20, 2007); *Laymon v. Gentiva*, 2:08-cv-00710-JES-SPC (M.D. Fla. Sept. 15, 2008); *Malcolm v. MasTec, Inc.*, 3:09-cv-00035-HLA-JRK (M.D. Fla. Jan. 13, 2009); *Hampton, et al. v. MasTec North America, Inc.*, 1:09-cv-00198-TWT (N.D. Ga. Jan. 23, 2009); *Walker v. MasTec, Inc., et al.*, 3:10-cv-00146-HEH (E.D. Va. March 8, 2010); *Bernard v. MasTec Services Company, Inc.*, 3:10-cv-00626 (N.D. Tex. March 31, 2010); *Edens, et al. v. State Farm Mutual Automobile Insurance Company*, 1:10-cv-02093-CAP (N.D. Ga. July 6, 2010); *Filipov v. American Residential Services, L.L.C.*, 1:11-cv-00366-JOF (N.D. Ga. Feb. 5, 2011); *Nguyen v. MasTec Services Company, Inc., et al.*, 1:11-cv-00120-SS (W.D. Tex. Feb. 15, 2011); *Salamaya v. MasTec Services Company, Inc.*, 6:11-cv-01633-PCF-GJK (M.D. Fla. Oct. 11, 2011); *Barnes, et al. v. United*

Home Care of North Atlanta, Inc., et al., 1:11-cv-03967-RWS (N.D. Ga. Nov. 17, 2011); *Hein v. Nsoro MasTec, LLC, et al.*, 2:12-cv-00004 (E.D.N.C. Jan. 20, 2012).

9.

Examples of class and collective actions in which I represented the Defendant or Defendants include, *Barrosa v. DirecTV, Inc., et al.*, 1:06-cv-20503-JAL (S.D. Fla. Feb. 27, 2006); *Radinski, et al. v. Apex Digital, LLC, et al.*, 1:07-cv-00571 (N.D. Ill. Jan. 20, 2007); *Tyson Foods MDL*, 4:07-md-01854-CDL (M.D. Ga. Aug. 28, 2007); *Williams v. MasTec North America, Inc. et al.*, 1:07-cv-22520-ASG (S.D. Fla. Sept. 25, 2007); *Arce v. MasTec North America, Inc. et al.*, 1:08-cv-22029-UU (S.D. Fla. July 17, 2008); *Powers, et al. v. Centennial Communications Corp.*, 1:08-cv-00208-PPS-CAN (N.D. Ind. Sept. 11, 2008); *Youngblood, et al. v. Family Dollar Stores, Inc. et al.*, 1:09-cv-03176-RMB-FM (S.D.N.Y. April 2, 2009); *Carter, et al. v. MasTec Services Company, Inc. et al.*, 2:09-cv-02721-RMG (D.S.C. Oct. 19, 2009); *Delano, et al. v. MasTec, Inc., et al.*, 8:10-cv-00320-JDW-MAP (M.D. Fla. Jan. 29, 2010); *Lopez, et al. v. MasTec, Inc.*, 1:10-cv-20361-UU (S.D. Fla. Feb. 4, 2010); *Barker, et al. v. Family Dollar, Inc.*, (W.D. Ky. March 15, 2010); *Turean v. MasTec, Inc. et al.*, 0:10-cv-60494-JIC

(S.D. Fla. April 1, 2010); *Rancharan v. Family Dollar Stores, Inc.*, 1:10-cv-07580-RMB-FM (S.D.N.Y. Oct. 4, 2010); *DeAnna Putnam v. Healthworks Fitness Centers, Inc., et al.*, Case No. SUCV2011-04423 (Mass. Super. Ct., Dec. 6, 2011).

10.

Since forming the firm Andrews & Stembridge, I have also represented plaintiffs in wage and hour related matters. For example, in addition to this case, I am currently counsel of record for the plaintiff in *Register, et al. v. Laughing Out Loud Restaurant Group, LLC, et al.*, 1:10-cv-03861-JEC (N.D. Ga. Nov. 23, 2010).

11.

My standard hourly rate is \$350.00 per hour. As the best evidence of the reasonableness of my hourly rate, when I left Littler Mendelson in May 2012, my standard hourly rate was \$375.00 per hour.

12.

As of the date of this declaration, I worked and billed a total of 51.10 hours in this case. Attached to my declaration and filed contemporaneously with Plaintiff's motion for attorney's fees is a true and correct copy of my detailed billing statement, which lists and summarizes the legal services I performed in this lawsuit. I began working on the case on May 21, 2012, and essentially took over

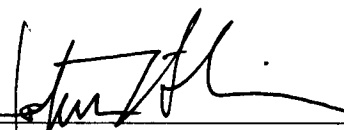
Ms. Huskey's role as co-counsel at that time. As my billing records demonstrate, I did not bill any time to issues related to Regions or the putative collective action.

13.

I have reviewed my co-counsel's billing records (including the records for time worked and billed before I began representing Plaintiff), and in my professional opinion, given how the Defendant elected to conduct discovery and litigate this case, both the number of attorneys and the hours those attorneys billed in representing Plaintiff were necessary and reasonable.

I declare pursuant to 28 U.S.C. § 1746, under penalty of perjury, that the foregoing is true and correct and based upon my personal knowledge.

Signed on 2/15/2013



John T. Stembridge

Andrews Stembridge, LLC

Detailed Billing Statement

Dudley v. Morgan Keegan, Civ. No. 1:11-cv-02700-RLV

Plaintiff's Counsel, John Stembridge

CM No. 110000.1000

Hourly Rate: \$350

Date	Description	Time Billed	Attorney
May 21, 2012	Review defendant's response to motion for extension of discovery period.	0.20	JS
May 21, 2012	Review and revise proposed consent order and correspond/conduct calls with Mr. Andrews regarding the same.	0.40	JS
May 21, 2012	Review and revise opposition to notice of filing proposed order.	0.30	JS
May 22, 2012	Continue reviewing and revising opposition to notice of filing proposed order.	0.20	JS
May 23, 2012	Review and revise reply in support of motion for 60-day extension of discovery period.	0.40	JS
May 24, 2012	Review letter from plaintiff's counsel regarding production of documents and extension of discovery period and conduct call with Mr. Andrews regarding possible response.	0.50	JS
May 25, 2012	Conduct call with Mr. Andrews to discuss plaintiff's discovery responses and strategy for moving to compel.	0.70	JS
May 25, 2012	Review letter from defendant's counsel regarding discovery dispute.	0.30	JS
May 29, 2012	Conduct call with Mr. Andrews regarding plaintiffs' second and third production of documents.	0.30	JS
May 29, 2012	Review defendant's supplemental production of documents.	1.40	JS
May 29, 2012	Prepare email to Mr. Andrews regarding requirement that defendant produce privilege log due to redacted documents.	0.20	JS
July 6, 2012	Review supplemental initial disclosures, fifth supplemental production of documents and declarations taken by plaintiff's counsel in October 2011, letters regarding privilege and redaction logs, and letters and emails regarding improperly noticed depositions.	3.40	JS
July 6, 2012	Confer with Mr. Andrews regarding improperly noticed and late noticed depositions by defendant, defendant's letters regarding privilege and redaction log and defendant's letter and email correspondence regarding depositions.	0.60	JS
July 6, 2012	Conduct research addressing defendant's request to re-depose plaintiff.	1.20	JS

Andrews Stembridge, LLC

Detailed Billing Statement

Dudley v. Morgan Keegan, Civ. No. 1:11-cv-02700-RLV

Plaintiff's Counsel, John Stembridge

July 9, 2012	Review 130,000+ pages of documents produced by defendant in first document production in preparation for conducting depositions of defendant's witnesses and third party witnesses and confer with Mr. Andrews' regarding documents.	9.60	JS
July 10, 2012	Confer with Mr. Andrews regarding response to defendant's counsels' correspondence regarding identification of additional witnesses and depositions; review email from Mr. Andrews to defendant's counsel regarding same.	2.60	JS
July 13, 2012	Review defendant's July 13 responses to second continuing requests for production and take notes regarding same; correspond with Mr. Andrews regarding emails contained in responses.	2.60	JS
July 17, 2012	Confer with Mr. Andrews regarding strategy for depositions to be taken on July 19 and 20 and depositions to be taken week of July 23.	0.50	JS
July 17, 2012	Prepare outline of topics to cover at deposition of Jane Pienaar.	0.70	JS
July 18, 2012	Complete outline of topics to cover at deposition of Jane Pienaar, prepare email forwarding same to Mr. Andrews and conduct call with Mr. Andrews regarding deposition of Jane Pienaar	0.30	JS
July 18, 2012	Conduct calls with clerks for Judges Vining and Scofield to request and schedule telephonic hearing to address discovery issues.	0.30	JS
July 18, 2012	Conduct calls with Brett Lane at Greenberg Traurig to discuss scheduling of telephonic hearing and to discuss preparation of brief position statement to be submitted to Judge Scofield in advance of hearing.	0.40	JS
July 18, 2012	Prepare plaintiff's position for brief position statement and prepare email to Brett Lane at Greenberg Traurig forwarding draft position statement so defendant's position can be completed.	1.00	JS
July 18, 2012	Review defendant's response to plaintiff's motion for second extension of discovery period and Shepardize and review cases cited by defendant in brief.	2.60	JS
July 18, 2012	Prepare and file notice of appearance for John T. Stembridge.	0.20	JS
July 18, 2012	Confer with Mr. Andrews regarding reply to defendant's response to plaintiff's motion for second extension of discovery period.	0.50	JS

Andrews Stembridge, LLC

Detailed Billing Statement

Dudley v. Morgan Keegan, Civ. No. 1:11-cv-02700-RLV

Plaintiff's Counsel, John Stembridge

July 18, 2012	Research federal rules and case law regarding a party's obligation to produce signed declarations and defendant's argument that signed declarations are shielded from disclosure pursuant to the work product doctrine.	2.50	JS
July 18, 2012	Prepare reply in support of motion for second extension of discovery period.	1.30	JS
July 18, 2012	Review letter from defense attorney David Long-Daniels regarding Rule 68 offer of judgment and review enclosed offer of judgment and conduct call with Mr. Andrews regarding same.	0.60	JS
July 18, 2012	Conduct research regarding defendant's offer of judgment on two of three claims and offer to pay reasonable fees associated with only two of three claims.	1.20	JS
July 18, 2012	Conduct call and exchange correspondence with Mr. Andrews regarding research addressing defendant's offer of judgment on two of three claims.	0.40	JS
July 19, 2012	Continue conducting research regarding potential acceptance of defendant's partial offer of judgment and impact on claim surviving offer of judgment should plaintiff accept partial offer.	1.50	JS
July 19, 2012	Review email from defense counsel forwarding defendant's position for discovery hearing with Court and review defendant's position with attachments.	0.40	JS
July 19, 2012	Review July 19 letter from defense counsel Brett Lane regarding deposition notices and subpoenas served on Greenberg Traurig and prepare email to Mr. Lane in response.	1.60	JS
July 19, 2012	Review defendant's objections to Rule 30b6 deposition notice and prepare correspondence to Mr. Andrews regarding bad faith footnote.	0.40	JS
July 19, 2012	Review multiple emails from Court and defense counsel regarding defense counsel's submission of position statement in advance of discovery conference.	0.30	JS
July 19, 2012	Confer with Mr. Andrews regarding strategy related to deposition of Ms. Pienaar.	1.50	JS
July 19, 2012	Continue preparing reply in support of plaintiff's second extension of discovery period.	1.40	JS
July 20, 2012	Review cases cited by defendant in defendant's response to plaintiff's motion for second expedited extension of discovery, research cases in support of plaintiff's reply related to work product doctrine and finish drafting response.	1.50	JS

Andrews Stembridge, LLC

Detailed Billing Statement

Dudley v. Morgan Keegan, Civ. No. 1:11-cv-02700-RLV

Plaintiff's Counsel, John Stembridge

July 20, 2012	Conduct call with Mr. Andrews regarding suspension of 30b6 deposition and call with Court at 2:30 to discuss discovery issues.	0.50	JS
July 20, 2012	Review email from defense counsel Brett Lane regarding depositions to be taken the weeks of July 23 and July 30 and prepare email in response.	0.40	JS
July 20, 2012	Prepare for and conduct call with Court regarding discovery issues, including second deposition of plaintiff and continued production of documents.	1.10	JS
July 20, 2012	Review emails regarding scheduling of conference call to discuss further discovery.	0.10	JS
July 23, 2012	Review email from defendant's counsel regarding re-scheduling of depositions and acceptance of offer of judgment.	0.20	JS
July 24, 2012	Review filed offer of judgment with acceptance and discuss motion for fees with Mr. Andrews.	0.30	JS
December 4, 2012	Review Court's order denying plaintiff's motion for fees.	0.40	JS
December 4, 2012	Confer with Mr. Andrews regarding joint motion and communication with defendants' counsel.	0.40	JS
December 12, 2012	Confer with Mr. Andrews regarding settlement strategy.	0.50	JS
December 16, 2012	Review proposed draft of joint motion for entry of judgment and discuss with Mr. Andrews.	0.30	JS
January 7, 2013	Review Court's order granting joint motion for entry of judgment and referring case to magistrate for report and recommendation on fees that should be awarded to plaintiff.	0.40	JS
January 16, 2013	Review and prepare proposed revisions to draft settlement agreement.	0.50	JS
Total Billed Time =		51.10	
Total =		\$17,885.00	